

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE SOUTHERN DISTRICT OF TEXAS  
3 HOUSTON DIVISION

4 MRS. SAMUEL E. ALLGOOD, \*  
5 INDIVIDUALLY AND AS \*  
6 INDEPENDENT EXECUTRIX OF \*  
7 THE ESTATE OF SAMUEL E. \*  
8 ALLGOOD, MARCUS ALLGOOD \*  
9 AND MALCOLM ALLGOOD, \*

10 Plaintiffs, \*

11 VS. \*

CIVIL ACTION NO. H-91-0158

12 R. J. REYNOLDS TOBACCO \*  
13 COMPANY, THE AMERICAN \*  
14 TOBACCO COMPANY, THE \*  
15 TOBACCO INSTITUTE, INC., \*  
16 AND THE COUNCIL FOR TOBACCO \*  
17 RESEARCH - U.S.A, INC. \*

18 Defendants. \*

19 DEPOSITION OF

20 YNOCENCIO ZAMORA

21 On August 13, 1993, the oral deposition of  
22 the Witness in the above-styled cause was taken at  
23 the instance of one of the Defendants at the home of  
24 Ynocencio Zamora; 16330 Blackhawk Boulevard;  
25 Friendswood, Texas, pursuant to Stipulations of  
Counsel contained herein.

COPY

Those persons present were as follows:

MR. ALDEN D. HOLFORD  
Attorney at Law  
7515 Kensico  
Houston, Texas 77036

Counsel for Plaintiffs,  
MRS. SAMUEL E. ALLGOOD,  
INDIVIDUALLY AND AS  
INDEPENDENT EXECUTRIX OF  
THE ESTATE OF SAMUEL E.  
ALLGOOD, MARCUS ALLGOOD  
AND MALCOLM ALLGOOD

MR. T. SCOTT ALLEN, JR.  
Cruse, Scott, Henderson & Allen  
909 Fannin Street, Suite 1850  
Houston, Texas 77010-1007

MR. DAVID L. WALLACE  
Chadbourne & Parke  
30 Rockefeller Plaza  
New York, New York 10112

Counsel for Defendant,  
THE AMERICAN TOBACCO COMPANY

MS. LAURA J. WARE  
Mayor, Day, Caldwell & Keeton  
700 Louisiana, Suite 1900  
Houston, Texas 77002-2778

Counsel for Defendant,  
R. J. REYNOLDS TOBACCO COMPANY

MR. CHARLES E. WATERBURY  
Gwinn & Roby  
4100 Renaissance Tower  
1201 Elm Street  
Dallas, Texas 75270

Counsel for Defendant,  
THE TOBACCO INSTITUTE, INC.

1 MS. LANIE SMITH, CSR, RPR  
2 Charlotte Smith Reporting, Inc.  
3 3730 Kirby Drive, Suite 909  
4 Houston, Texas 77098

5 IN ATTENDANCE:

6 MRS. ALLGOOD  
7 Plaintiff

I N D E XDEPOSITION OF YNOCENCIO ZAMORA

August 13, 1993

Page

EXAMINATION BY MR. WALLACE	6
EXAMINATION BY MR. HOLFORD	44
EXAMINATION BY MS. WARE	92

S T I P U L A T I O N S

IT IS STIPULATED AND AGREED BY COUNSEL FOR  
THE PARTIES HERETO:

That the deposition of the Witness named  
herein is taken by agreement at this time pursuant to  
Notice;

That the Witness may sign said deposition  
before any duly authorized and acting Notary Public  
for the appropriate area in which signature is  
obtained;

This deposition was taken Pursuant to the  
Federal Rules of Civil Procedure;

That the original transcript of this  
deposition will be given to MR. DAVID L. WALLACE who  
will be responsible for filing same with the Court,  
in the event such act is called for by any party to  
this cause.

\* \* \* \* \*

1                    YNOCENCIO ZAMORA,  
2    having been duly sworn, testified as follows, to-wit:

3  
4    EXAMINATION BY MR. WALLACE:

5            Q            Mr. Zamora, my name is David Wallace.    You  
6                            and I have met before.    I represent the American  
7                            Tobacco Company in a case that's been filed by  
8                            Mrs. Bonnie Allgood, the widow of Sam Allgood and  
9                            their two adult sons Malcolm and Marcus.  
10                          Just to introduce you to the other people  
11                            here - we have already met off the record - but  
12                            Mr. Doug Holford is Bonnie's lawyer.    Scott Allen  
13                            here with me is a lawyer in Houston who also  
14                            represents the American Tobacco Company.    Laura Ware  
15                            is a Houston attorney who represents another  
16                            defendant in this case, the R. J. Reynolds Tobacco  
17                            Company.    Mr. Waterbury represents another defendant,  
18                            the Tobacco Institute.    And Lanie will be writing  
19                            down everything we say today.

20                          Would you please state your name and  
21                            address for the record.

22            A            My name is Ynocencio Zamora.    Everyone  
23                            calls me by the nickname of Eno, spelled E-n-o.

24            Q            E-n-o?

25            A            E-n-o, yes.

1 Q Let me just go over the instructions. It  
2 is fairly easy.

3 Have you ever had your deposition taken  
4 before?

5 A I had one years ago - about 20, 25 years  
6 ago.

7 Q So, you basically understand the procedure.

8 A Right.

9 Q Let me just review the ground rules for  
10 you. It is fairly simple. You understand that even  
11 though we are in the comfort of your home here that  
12 you have the same obligation to tell the truth as if  
13 we were down at the courthouse before the judge and  
14 jury?

15 A Sure.

16 Q Will you tell me if you don't understand a  
17 question or if you want a question repeated so that  
18 we can be clear?

19 A Okay.

20 Q Also, this isn't a memory contest. All  
21 anybody can reasonably expect you to give at this  
22 point after a lot of years have passed is your best  
23 recollection. So, if you don't know the answer to a  
24 question, you are not expected to guess or speculate,  
25 just whatever your best recollection is will be fine.

1           The other thing just to make Lanie's job a  
2       little easier is you have to - and I will remind you  
3       if you forget - but you have to do your best to give  
4       verbal answers - "yes" or "no" and then whatever  
5       answer is appropriate rather than nodding your head  
6       or shaking just so that we have a cleaner record. It  
7       is easier to read later.

8           Some of the other lawyers here today may  
9       make certain objections. It is one of the things we  
10      get paid to do. It is also one of the reasons that  
11      people love to hate lawyers. But an objection  
12      doesn't mean that you can't answer the question. It  
13      is something that the judge will be asked to rule on  
14      a little later. So, you just allow the lawyer to  
15      make his objection, wait for him to finish, and then  
16      you will be able to provide your answer.

17           Now, Lanie, the Court Reporter, is going to  
18      take down all my questions and your answers and any  
19      objections we have. And then she is eventually going  
20      to put it all together in a little booklet format  
21      like this. It will be typed up; and you will have an  
22      opportunity to get a copy of it, review it, make any  
23      corrections that you think are necessary, and then  
24      sign it. You have a right to do that.

25           Will you wish to exercise that right?



1 A Yes, I do.

2 Q Finally, contrary to popular belief, we are  
3 ladies and gentlemen. If for any reason you want to  
4 take a break - we are not going to be that long today -  
5 but if you just want to get up and stretch your legs,  
6 answer the phone, take a moment, whatever - we will  
7 accommodate you. You just have to say so, all right?

8 A Okay.

9 Q Do you have any questions about the ground  
10 rules as I have explained them before we begin?

11 A No.

12 Q Are you taking any medications or are you ---

13 A (Interrupting) No.

14 Q The other thing is just let me finish my  
15 question and then you answer.

16 A Okay.

17 Q Are you taking any medications, or do you  
18 have any medical condition that might affect your  
19 ability to remember or recall things that happened in  
20 the past and testify about them?

21 A No.

22 Q Have you talked to anyone about this case  
23 or your deposition before today?

24 A Yes, sir, a month ago, two investigators  
25 came and asked me, you know, questions about when I

1 worked at Amoco and if I knew Sam. Most of them were  
2 referring to smoking and the questions and conflicts  
3 that we had in the laboratory.

4 Q We will get into that in a little more  
5 detail ---

6 A (Interrupting) And then Mr. Holford called  
7 twice and briefly - they were just simple, you know,  
8 basic questions.

9 MR. HOLFORD: And I want the  
10 record to reflect that I am not sure  
11 that Mr. Zamora was finished with his  
12 answer about what the investigators  
13 talked with him about.

14 If you are, just say so; and if  
15 not, go on.

16 THE WITNESS: That's fine with  
17 me.

18 MR. HOLFORD: It is fine. Okay.  
19 Thank you, sir.

20 Q We will get into some of the subjects you  
21 raised in a little more detail obviously later.  
22 That's what we are here for today.

23 But have you had any conversations with  
24 former coworkers at Amoco about this deposition or  
25 anything?

1 A No.

2 Q You indicated that you were contacted by  
3 Mr. Holford prior to this deposition?

4 A Yes.

5 Q Did he telephone you?

6 A Yes.

7 Q Do you remember what you talked about?

8 MR. HOLFORD: It is asked and  
9 answered.

10 A Sam's employment and my employment and if I  
11 knew Sam and if he smoked, you know, and if other  
12 people had talked to me.

13 Q Where and when were you born, Mr. Zamora?

14 A I was born July the 1st, 1934 in  
15 San Antonio, Texas.

16 Q How long have you resided in the Houston  
17 area?

18 A 30 years.

19 Q Prior to that, you were in the San Antonio  
20 area?

21 A Right.

22 Q Have you ever had any military service?

23 A Yes.

24 Q Which branch?

25 A United States Marine Corps.

1 Q Were you involved in any athletics in the  
2 Marine Corps or anything?

3 A Yes, I played baseball and I boxed and I  
4 played a little football and softball.

5 Q Any special honors or championships or  
6 anything while you were in the Marine Corps?

7 A Yes, I was boxing champ in the overseas 7th  
8 Marines.

9 Q What do you do for a living now,  
10 Mr. Zamora?

11 A I am retired.

12 Q When did you retire?

13 A October the 1st, 1992.

14 Q What did you do before you retired?

15 A I was Laboratory Foreman.

16 Q Where?

17 A Amoco Chemicals, Texas City.

18 Q Approximately how long did you work for  
19 Amoco Chemical Company?

20 A 23 years and three months.

21 Q That's pretty precise.

22 So, you retired in what year, 1992?

23 A 1992.

24 Q Do you recall what year you began working  
25 at Amoco?

1 A June the 7th, 1969. Or June the 9th.

2 Excuse me. I believe it was June the 9th, 1969.

3 Q You have a pretty good memory.

4 What were your positions with Amoco?

5 A I started as a laboratory technician and  
6 then went to temporary foreman and then to foreman.

7 Q So, when you retired you were ---

8 A (Interrupting) A foreman.

9 Q --- a foreman in management?

10 A Yes.

11 Q Just very generally, what are the duties of  
12 a laboratory technician out at Amoco?

13 A You have to monitor the work, the  
14 technicians' conduct, you have to make assignments,  
15 you have to keep up with the quality of the work,  
16 certify shipments, make sure that research projects  
17 are followed through, completed ---

18 MR. HOLFORD: (Interrupting) I  
19 will make a formal objection as  
20 nonresponsive.

21 Mr. Zamora, I believe you are  
22 answering to a lab foreman; is that  
23 correct?

24 THE WITNESS: Yes.

25 MR. HOLFORD: The question ---

1 MR. WALLACE: (Interrupting)  
2 Doug, I can take care of this if you  
3 will just let me ask the questions  
4 right now ---

5 MR. HOLFORD: (Interrupting)  
6 That's fine, but I have a right here  
7 too today.

8 MR. WALLACE: You have a right to  
9 conduct your examination when I am  
10 finished; and I will do my level best  
11 to clarify things on my turn here,  
12 okay.

13 MR. HOLFORD: You understand,  
14 Mr. Zamora, I just want to keep this  
15 straight, okay?

16 THE WITNESS: Sure.

17 (By Mr. Wallace)

18 Q Were you finished with that, Mr. Zamora -  
19 certifying shipments, et cetera?

20 A Making out time sheets also, training  
21 people, also making sure that forms were filled out  
22 correctly both in-house and forms that had to do with  
23 Amoco and to make sure that safety procedure was  
24 followed. Basic things that most foremen would do at  
25 any other company like ours in the same industry.

1 Q Now, as Mr. Holford indicated, it does  
2 sound like you have just described the duties of a  
3 foreman.

4 Why don't you help us out a little bit now  
5 and tell us what it is the laboratory technicians you  
6 supervised would be doing, what kind of materials  
7 they would be handling and what their jobs were on a  
8 daily basis.

9 A The laboratory technician's primary duty is  
10 to test the products that we manufacture to see that  
11 they conform to company standards and the American  
12 Petroleum Institute standards, other Government  
13 regulations and also requirements for sale.

14 Now, this testing comes in two forms. One  
15 is preliminary testing before the products are  
16 manufactured for sale and the other is a final  
17 testing for approval for shipment.

18 Q What kind of products are we talking about,  
19 generally?

20 A We manufactured polybutene, styrene,  
21 metaxylene, paraxylene, and there were also other  
22 one-of-a-kind-type products that very seldom were  
23 batched or mixed together for special requests.

24 Q Special customer requests?

25 A Special customer requests.

1 Q Approximately how many employees would you  
2 supervise as a foreman on a shift?

3 A Well, it varied. During a shift you would  
4 have as many as six - that would be minimal. And  
5 during the day, you would supervise as many as,  
6 maybe, 20.

7 Q What kind of relationship did you have  
8 first as a laboratory technician with your coworkers  
9 at Amoco and later as a foreman? Just give us some  
10 idea of the atmosphere there.

11 A According to my proficiency report, I got a  
12 very high proficiency report - the only one that I  
13 got before I retired.

14  
15 (AT THIS TIME A BRIEF RECESS WAS  
16 TAKEN, AND THE PROCEEDINGS THEREAFTER  
17 RESUMED AS FOLLOWS:)

18  
19 (By Mr. Wallace)

20 Q Do you remember where you were generally -  
21 proficiency rating?

22 A Yes.

23 Q So, I'm sorry. You had a good relationship  
24 with your coworkers and the people you supervised,  
25 generally.



1       A           Yes, to give you an example of the type of  
2       relationship that I had with my workers: We just got  
3       back from Vegas in June and two of my coworkers and  
4       their spouses went with us on the airplane and we  
5       spent three days down in Vegas. So, that ought to  
6       give you an idea of what kind of friends I had on my  
7       shift.

8       Q           It does indeed.

9       A           And we met another couple in Las Vegas -  
10      another young man and his wife - that also worked  
11      under me.

12     Q           So, it sounds like the people you  
13      supervised respected you and you were friends with  
14      them?

15     A           I think so.

16     Q           Did you know a man by the name of Sam  
17      Allgood?

18     A           Yes, I did.

19     Q           Can you tell us, again, very generally, the  
20      best you can recall, when and how it was that you met  
21      Mr. Allgood?

22     A           When he started working there. I was  
23      already working there.

24     Q           At Amoco?

25     A           Yes.

1 Q Do you remember roughly what year that was  
2 if you started in - I guess you said 1969?

3 A Well, it wasn't too long after I started  
4 that he started.

5 Q Within a year or so?

6 A Probably so.

7 Q Do you recall how long it was you worked  
8 with Mr. Allgood off and on in the laboratory there  
9 during the ---

10 A (Interrupting) Well, for periods of time  
11 you may work as long as six months, sometimes maybe  
12 even a year and then either one or the other would  
13 change shifts - one would stay on the same shift; the  
14 other one would go to a different shift. And then  
15 there would be another change and you may work again  
16 for another short time or a long time. The shifts  
17 didn't become stable until probably about 10 years  
18 ago; but in the beginning, there was a lot of  
19 shifting and changing from shift to shift.

20 Q So, you guys worked different shifts  
21 together over the years?

22 A Yes, but usually when you worked you worked  
23 for quite awhile - for months.

24 Q Approximately in terms of years, how many  
25 years do you think you guys worked together?

1 MR. HOLFORD: Objection. Too  
2 broad. Mr. Zamora, I would like --  
3 Mr. Zamora answered it before. 10  
4 years ago it was hodgepodge or  
5 whatever and then he used the word  
6 "stabilized" after that.

7 MR. ALLEN: Doug ---

8 MR. HOLFORD: (Interrupting)  
9 Objection. The question is too broad.

10 MR. ALLEN: Why don't you just  
11 state your objection and not speak. I  
12 think that's something you have been  
13 real diligent ---

14 MR. HOLFORD: (Interrupting)  
15 Object to the personal remark and to  
16 the sidebar.

17 MR. ALLEN: Overruled.

18 MR. HOLFORD: Object. Mr. Allen,  
19 this is not funny.

20 MR. ALLEN: It is not funny at  
21 all. Why don't you just state your  
22 objection and let David ask the  
23 questions.

24 Go ahead David.

25 MR. WALLACE: These guys are

1 really like that (Indicating).

2 MR. HOLFORD: I object,  
3 Mr. Wallace, to your characterization.

4 MR. WALLACE: I am just trying to  
5 interject a little levity, Doug. I'm  
6 sorry. I don't want to have a bunch  
7 of tension.

8 (By Mr. Wallace)

9 Q In terms of years, Mr. Zamora, what's your  
10 best recollection in terms of how many years you and  
11 Sam would do shift work together at Amoco?

12 MR. HOLFORD: Objection. Too  
13 broad.

14 A Well, it would be very hard to determine it  
15 in years because you would have to go through all the  
16 schedules and put together the three months here ---

17 Q (Interrupting) I'm sorry. I might not be ---

18 A (Interrupting) Are you talking about from  
19 beginning to end?

20 Q Yes, roughly. I am not trying to ask you  
21 to quantify it in terms of if you added all the  
22 shifts together how many years would you have worked  
23 together - just as to when you met him and when he  
24 left Amoco, basically?

25 MR. HOLFORD: Objection. Based

1                   on the Witness's testimony, it is  
2                   speculation.

3       A           I would fairly guess probably eight years.

4       Q           So, from roughly 1970 to 1978 you worked  
5       together?

6       A           Yes.

7                   MR. HOLFORD: Also object as to  
8                   the term, "worked together" is vague  
9                   in view of what Mr. Zamora has  
10                  testified to so far that he was  
11                  foreman and different things.

12                  MR. WALLACE: Doug, just state  
13                  your objections, okay?

14    (By Mr. Wallace)

15       Q           When the two of you worked the same shift  
16       together, sir, how often would you see each other  
17       during a typical day?

18       A           We would see each other all the time - just  
19       like we are here.

20       Q           Would you take meals together?

21       A           Yes.

22       Q           How often?

23       A           Oh, it depended on the workload; but  
24       generally there was not all that much work so we  
25       would take breaks - about three breaks -- After every

1 two-hour run, we would take a break. So, we had in  
2 those days a run at 6:00 o'clock. So, we would take  
3 a break before 8:00, before 10:00 and then probably  
4 eat around 12:00 and then another break at 2:00 and  
5 then by then we would be ready to change shifts. So,  
6 at least minimal, five breaks a day.

7 Q How long was the break period,  
8 approximately?

9 A They would last anywhere from 15 minutes to  
10 sometimes as much as an hour when we didn't have a  
11 lot of work. In fact, I may even say that we had so  
12 much time that most of us became experts at playing  
13 chess, playing Hearts, playing checkers and just  
14 about every kind of card game you can imagine. So,  
15 that ought to indicate to you how much time we had.

16 Q I want to sign up for that.

17 A It isn't that way now.

18 Q How would you describe your relationship  
19 with Sam Allgood?

20 A Friendly.

21 Q While you knew him, did Mr. Allgood smoke  
22 cigarettes, Mr. Zamora?

23 A Yes.

24 Q And you?

25 A Yes.

1 Q Did the two of you ever smoke cigarettes  
2 together?

3 A Yes, many times.

4 Q During your breaks?

5 A All the time.

6 Q Did Mr. Allgood appear to enjoy smoking?

7 A He seemed to me.

8 Q Was there anything he said or did that made  
9 you think he enjoyed smoking or gave you that  
10 impression?

11 A There was one particular conversation that  
12 sticks out in my mind and the reason is because I am  
13 the only one in my family that smokes - none of my  
14 brothers, none of my sisters, none of my sons,  
15 stepsons, or my daughters or my stepdaughters or my  
16 wife. No one smokes, but me. And so consequently  
17 every time that I would go visit San Antonio and my  
18 sister is a registered nurse, she would always tell  
19 me about the Heart and Lung Association having  
20 different programs that all I needed was a little  
21 effort and I could get on one of the programs to try  
22 to stop smoking.

23 And we were talking about that particular  
24 type of conversation in the lunchroom one time and  
25 someone said that that's what we needed to do and

1       there was about four or maybe five sitting at this  
2       table - of which one was myself and Sam Allgood and  
3       there was another lady that also smoked. Her name is  
4       Rachal Hudson. And the lady that mentioned that  
5       there was a program about smoking and that it was  
6       free, Sam made the statement - pardon my English,  
7       both you ladies - he said, "Who gives a shit?"

8               So, I recall that because the ladies talked  
9       about -- It was not completely really rude nowadays.  
10       The word "shit" isn't really that bad, you know. But  
11       still they did talk about him making that statement.

12               MR. HOLFORD: Objection.

13               Nonresponsive.

14       Q           When approximately did this conversation  
15       take place? Do you remember?

16       A           You mean time of the day?

17       Q           No, no, a year. You, know, early  
18       Seventies, mid-Seventies.

19       A           Oh, it had to be probably in the late  
20       Seventies.

21       Q           Late Seventies. You see, in the late  
22       Seventies and the early Eighties was when we had most  
23       of the problems because of the smoking. Those that  
24       didn't smoke complained so much that we tried to  
25       group in smokers and go in and smoke when there



1       wasn't anyone there that was a nonsmoker and there  
2       was a lot of conflict. So, that was around the time  
3       that all this - not only was it an attitude at work  
4       being against the smoker, but also these programs and  
5       some people even mentioned, then, that some of the  
6       programs were even free.

7                       MR. HOLFORD: Objection.

8                       Nonresponsive.

9       Q               Just so that I make sure I understand this  
10      a little bit.

11                      What kind of programs are you referring to  
12      with respect to these programs ---

13      A               (Interrupting) These stop-smoking programs.

14      Q               So, it was a conversation you had during a  
15      break at lunch or something at work and Sam Allgood  
16      was present and some others, including Rachal Hudson,  
17      and the conversation was generally about these  
18      programs that were offered to help people quit  
19      smoking?

20                      MR. HOLFORD: Objection.

21                      Leading.

22      A               (Nodding head affirmatively)

23                      MR. ALLEN: And your answer was?

24                      You have to give a verbal answer.

25      Q               Was that a "yes"?

1           A           Yes.

2                           MR. HOLFORD:  Objection.

3                           Leading.

4           Q           Was this conversation and the comment that  
5           Sam Allgood made in response to the suggestion that  
6           these free programs were available - "Who gives a  
7           shit?" - is that what led you to believe that he  
8           enjoyed smoking?

9                           MR. HOLFORD:  Objection.

10                          Leading.

11          A           Yes, sir.  I mean, he seemed to enjoy just  
12          like I do - just like when I get a cigarette out and  
13          smoke it, I enjoy it.  I didn't see any pain or any  
14          discomfort.  So, I have no other alternative but to  
15          believe that he enjoyed it.

16                          MR. HOLFORD:  Objection.

17                          Speculative.

18          Q           Is there anything else that you recall now  
19          that he said or did that made you think he enjoyed  
20          smoking?

21          A           No, but I know that he was very defensive  
22          about smoking; and I was, too.  I still am.  I mean,  
23          even as we sit here I am very defensive about smoking ---

24                          MR. HOLFORD:  (Interrupting)

25                          Objection.  Nonresponsive.

1 MR. ALLEN: Let him finish his  
2 answer, Mr. Holford.

3 A Because personally - and I don't know other  
4 people's attitude - but I am not here testifying as  
5 an interested person or because there is any  
6 beneficial gain. I am just here to tell the truth.

7 Q Sure.

8 A When I smoke, I know what I am doing to  
9 myself. I mean, I am 59 years old and I have read  
10 enough literature and my sister has pushed enough on  
11 me and she sends me clippings and sends me pictures  
12 and sends me stuff and I have seen enough.

13 So, we defended our smoking sometimes  
14 singularly, sometimes as a group and sometimes we  
15 bitched at the ladies - especially the ladies that  
16 didn't smoke. The men didn't say very much, but the  
17 ladies did. And I recall one time we were talking  
18 about - and you can pinpoint this down to the year  
19 because it was around the time that Roger Banister  
20 broke the four-minute mile or became the first  
21 American or - but anyway it was connected to Roger  
22 Banister, the miler - long-distance runner. And  
23 someone said that the guy must be in tip-top shape  
24 and in excellent health and we all made different  
25 comments. And Sam's comment was, "It don't make a

1       shit how lean and trim you are. When your number is  
2       up, that's it."

3                       MR. HOLFORD: Objection.

4                       Nonresponsive.

5       A               And the reason I remember that is because I  
6       felt exactly the same way and I still do as I sit  
7       here. I figure when your number is up, your number  
8       is up. I mean, you may die of a heart attack or an  
9       accident or a stray shot coming through the window or  
10      something. When your number is up, it is up. Not  
11      that I have a fatalistic attitude towards life, but I  
12      just believe that.

13                      MR. HOLFORD: Objection.

14                      Nonresponsive.

15      Q               We are going to get into that in a little  
16      more detail. Let me just finish up an area I was in  
17      before.

18                      Did you ever hear Mr. Allgood say he  
19      started smoking because of advertising?

20      A               No.

21      Q               Did you ever hear Mr. Allgood say he smoked  
22      because of advertising?

23      A               No.

24      Q               Knowing Sam Allgood the way you did, sir,  
25      would it make any sense for anyone to suggest that?

1 MR. HOLFORD: Objection. Calls  
2 for a conclusion, leading,  
3 speculative, and no personal  
4 knowledge.

5 A I don't think it would make any sense.

6 Q In all the years that you worked with  
7 Mr. Allgood, which is, as I understand your  
8 testimony, 1970 to 1980 or thereabouts - '78 or so -  
9 did you ever hear Mr. Allgood say that he was  
10 addicted to cigarettes?

11 A No, but there was a funny story he used to  
12 tell and he told it several times. And I kind of  
13 agreed halfway with him because he used to say, "You  
14 can buy cigarettes and carry them, take them anywhere  
15 you want, you can smoke one, smoke half of it, all of  
16 it, transfer it from one finger to the other in your  
17 hands." (Indicating)

18 He said, "There is a lot of crazies in this  
19 world and a lot of sickos because they don't smoke."

20 He said, "There is more psychological  
21 benefit" -- And I don't know if any of you-all  
22 believe it or not, but I believe there is because  
23 whenever I am nervous and tense or when I drink beer --  
24 And by the way, he also said it was cheaper than  
25 beer.

1 Q Cigarettes were cheaper than beer?

2 A Yes. And I believe that there is something  
3 to it. I feel better when I smoke.

4 MR. HOLFORD: Objection.

5 Nonresponsive.

6 Q So, with Sam Allgood, it sounds like -- I  
7 mean, he talked to you about the reasons he smoked?

8 MR. HOLFORD: Objection.

9 Leading.

10 A No, he didn't really give me reasons why he  
11 smoked. He just told me what he thought about, you  
12 know, smoking and the cigarette, you know, having  
13 control of it, you know. He never told me why he  
14 smoked.

15 Q Sure, but in the course of this  
16 conversation you indicated that he thought smoking  
17 was something he had control over. Is that what you  
18 are saying?

19 MR. HOLFORD: Objection.

20 Leading.

21 A Yes, because that's the way I believe; and  
22 I still think I have control over it. I mean, I have  
23 quit for, you know, five years, three years and  
24 different times, you know; but I can't say that he  
25 didn't have any control over it. I think from

1 statements he said and that he made, sure, I think he  
2 had control over it.

3 MR. HOLFORD: Objection. Leading  
4 and speculation. No personal  
5 knowledge.

6 Q Again, in all the years you worked with  
7 Mr. Allgood you said you never heard him say he was  
8 addicted to smoking. Did you ever hear him say he  
9 couldn't quit smoking?

10 A No.

11 MR. HOLFORD: Objection.  
12 Leading.

13 Q Did you ever hear him express any serious  
14 interest in quitting?

15 A No, in fact it was the other way around.

16 Q Is there anything that stands out in your  
17 mind?

18 A Well, when we talked about the fact that  
19 there were free programs and he would say, you know,  
20 make the statement like, "Who gives a shit?" And I  
21 felt the same way.

22 Q Are you familiar with the term "cancer  
23 stick"?

24 A Yes.

25 Q What does the term "cancer stick" suggest

1 to you about the use of cigarettes?

2 A Well, as far as I can recall, it started  
3 back in about the middle Seventies that I can recall.  
4 I don't know where it started or when it started, but  
5 that's what I can recall. It was an  
6 overdramatization of the health hazards of smoking.  
7 In order to scare people off cigarettes, they would  
8 use the term "cancer stick"; and they used it in the  
9 lab from time to time. And they would refer to -  
10 when we went into the lunchroom - especially the  
11 women - they would say, "There you go with your  
12 cancer stick again." But it was a common term used.

13 Q Was Sam Allgood ever ---

14 MR. HOLFORD: I have an  
15 objection, Mr. Wallace, to  
16 nonresponsive after Mr. Zamora  
17 finished about what the term meant to  
18 him.

19 Q Did you ever hear the term "cancer stick"  
20 used in the lab at Amoco?

21 A Sure.

22 Q Was Mr. Allgood ever present when these  
23 terms were used?

24 A Sure.

25 Q Did these terms seem to confuse him or



1 puzzle him?

2 A It didn't seem like it.

3 Q Did he ever ask people what they meant by  
4 these terms?

5 A No.

6 Q Did he seem to be familiar with the terms?

7 A Sure.

8 MR. HOLFORD: Objection. Calls  
9 for speculation.

10 Q What was his typical reaction when someone  
11 would say something like, "There is another cancer  
12 stick," or "Putting another nail in your coffin"?  
13 How would Sam react to that?

14 MR. HOLFORD: Objection.  
15 Leading.

16 A We would always - I say "we," meaning the  
17 smokers - we would always react the same way. We  
18 would get angry and we would complain and we still go  
19 ahead and smoke. It got to be such a conflict  
20 between the smokers and nonsmokers that finally the  
21 company had to come up with a smoking policy because  
22 it was affecting the work harmony and the work  
23 output.

24 Q What was the nature of the conflict? What  
25 kind of complaints were made?

1           A           Well ---

2                           MR. HOLFORD: (Interrupting)

3                           Objection. Asked and answered.

4                           You can go ahead, Mr. Zamora. I  
5                           am just making the record.

6           Q           You were talking about the conflict.

7           A           The reason for the conflict was that most  
8                       of the people - men and women - complained that the  
9                       smoke was not only harming their lungs, but that it  
10                      also made the food taste different. I agree with the  
11                      smoke part of harming the lungs, but I don't agree  
12                      with smoke makes your taste buds ...

13                           MR. HOLFORD: I'm sorry.

14                           Objection. Nonresponsive after he  
15                           addressed the conflict.

16          Q           Was there ever a time out at Amoco where  
17                       the smokers and the nonsmokers had to share the same  
18                       lunch area or break areas?

19          A           We always did until the company came up  
20                       with a no smoking policy and posted signs. And then  
21                       after that, they went a step further and then they  
22                       got smoking shacks.

23          Q           Do you remember when that happened?

24          A           Not precisely, but it hasn't been very many  
25                       years ago. I would say three years - three or four

1 years ago. About three or four years ago.

2 Q When these complaints and comments were  
3 made about smoking in the lab, would Sam Allgood  
4 defend his right to smoke?

5 A Yes.

6 Q In what way? What would he say?

7 A Well, it depended on whether it was a woman  
8 or a man.

9 Q What would he say to a man?

10 A If the ladies will excuse me, he would say --  
11 One time he said, "Why don't you take a flying fuck  
12 with a rolling doughnut?"

13 Q Anything else?

14 A And the other one is, "Why don't you go  
15 stick your head in the commode?"

16 And just, you know, those were kind of  
17 normal reactions from all the smokers towards the  
18 nonsmokers. It was always a vicious confrontation.  
19 There was nothing friendly about it.

20 Q Did he ever claim he had a right to smoke?

21 A Oh, yes.

22 Q In what way? What would he say?

23 A Well, sometimes he would tell -- If it was  
24 a man, he would tell them, "Why don't you get the  
25 fuck out of the room; and then when we get through

1 smoking, you can come back in?"

2 Q Overall how would you describe Sam  
3 Allgood's attitude towards or reaction to complaints  
4 about smoking?

5 A He didn't like complaints about smoking.  
6 And if it was from a company person, he wouldn't get  
7 involved; but if it was any other person, you know, a  
8 coworker, he would get into arguments. We all did.  
9 He wasn't the only one. We all did.

10 Q Did you ever hear him say he had not heard  
11 that cigarettes were bad for him when people would  
12 make these comments?

13 A No, I never heard him say that.

14 Q Did you ever hear him suggest to any of  
15 these people that cigarette smoking wasn't harmful to  
16 health?

17 A Did I hear him say it wasn't?

18 Q It wasn't.

19 A No, I never heard him say that it wasn't.

20 Q Did you ever hear him tell these people  
21 that he had a shield against cancer so he didn't have  
22 to worry about it?

23 A No, but he used to kid a lot and he used to  
24 joke a lot and he was determined that - we laughed  
25 and we criticized him for saying it - he said he was

1 undieable.

2 Q He said he was undieable?

3 A Yes and we laughed and joked and we told  
4 him that's not the correct way to say it, Sam.

5 "Well, who gives a shit?" That was his  
6 comment. So, that's what all I can remember.

7 Q While you knew him and before the time he  
8 was diagnosed with cancer, did you ever see Sam  
9 Allgood make a serious effort to quit smoking?

10 MR. HOLFORD: Objection. Asked  
11 and answered.

12 A Before he did what now?

13 Q During the time you knew him and before he  
14 learned that he had cancer, did you ever see him make  
15 a serious effort to quit smoking?

16 MR. HOLFORD: Objection. Asked  
17 and answered.

18 A No, I never knew or heard him or saw him  
19 make any attempt to stop smoking.

20 Q Did you ever hear him express a serious  
21 interest in quitting?

22 A Not to me.

23 Q Did you ever hear him express just the  
24 opposite; that is, that he enjoyed smoking and wanted  
25 to continue smoking?

1 MR. HOLFORD: Objection. Asked  
2 and answered.

3 A Well, he and I and another smoker, Dick  
4 Montagne, we always defended our smoking and we would  
5 always just - we would say whatever was necessary to  
6 get us over the hump for that argument, that  
7 conflict, that day. The next day would be another  
8 little battle and it was an everyday thing.

9 Q Sam Allgood did the same thing. Is that  
10 what you are saying?

11 A Sure.

12 Q Did you ever hear Sam Allgood refer to The  
13 Council for Tobacco Research or the Tobacco Industry  
14 Research Committee?

15 A No.

16 Q What about the Tobacco Institute? Did he  
17 ever talk about that?

18 A No.

19 Q How would you describe Mr. Allgood's  
20 personality to someone who never had a chance to meet  
21 him?

22 A Well, in the beginning, when I first met  
23 him, we were very, very close friends. In fact, I  
24 took off a day of my own vacation time to be his  
25 model when he got his barber's license - the day that

1 he and also Marcus went. And we worked close  
2 together in those days and sometimes when you work  
3 with someone so close, you don't pay too much  
4 attention until you hear other people complain and  
5 then you start more or less looking at the complaints  
6 and the criticisms.

7 He seemed to get angry very easily. He was  
8 very critical of people, especially - and maybe it  
9 was because he might have been feeling bad - but he  
10 seemed to make fun of those that were having  
11 misfortune. And I wasn't the only one that observed  
12 that. There were other people that would make  
13 comments about his vocabulary got worse and worse.

14 One time not too long before he went on  
15 sick leave, he and I had a discussion - a difference  
16 of opinion over work and I carry a small dictionary  
17 in my brief case, in my cars - in my truck, my van.  
18 And I was known for going home that day and bringing  
19 back the next day any kind of book - encyclopedia,  
20 dictionary, book to substantiate whatever I said; and  
21 everybody seemed to joke about it.

22 Well, this particular day I took the  
23 dictionary to work and I showed Sam what the  
24 dictionary said in it - and I had mentioned the day  
25 before that I was going to bring the Webster

1 dictionary -- And he hardly ever cussed me; but he  
2 said, "Why don't you and Noah go fuck  
3 yourselves?" you know, Noah Webster.

4 In fact, that was the only time that he  
5 ever cursed at me or said anything like that. He  
6 always respected me.

7 Q What kind of things would trigger  
8 Mr. Allgood's temper or anger?

9 A Well, I think he might have not had  
10 patience because as I recall he once hit Homer  
11 Stevens in the gas chromatography room for not doing  
12 what Sam asked him to do. And instead of talking it  
13 out or waiting for a cooling period and then going  
14 back to discuss whatever the confrontation was about,  
15 he hit him and he got some time off for that and he  
16 got very opinionated. He was very strong in his  
17 beliefs.

18 Q Did he like it when people disagreed with  
19 him?

20 A Yes, he was -- He became very upset when  
21 someone disagreed with him.

22 Q So, he didn't like it?

23 A He didn't like it, no.

24 Q Did Sam Allgood like to be told what to do?

25 A He followed orders as far as work very



1 well. He was a good worker, a very efficient worker  
2 and he was a fast worker.

3 Q So, when management told him what to do, he  
4 was responsive to that?

5 A Oh, yes, very responsive.

6 Q Did he like to be told what to do by his  
7 peers, his coworkers?

8 A No.

9 Q Did he like to be told what to say?

10 A No.

11 Q Did he like to be told what to believe?

12 A No.

13 Q Would you say Sam Allgood was a reasonably  
14 intelligent man?

15 A Very intelligent, yes.

16 Q Did he seem to be informed about current  
17 events?

18 A Yes, he was very well informed. There  
19 wasn't hardly anything he couldn't get in a  
20 conversation about that he didn't know something.  
21 You know, he had been all over the world and I am  
22 sure he must have read a lot, but he was very well  
23 schooled as far as life and things that happened in  
24 the world.

25 Q So, he was an opinionated man, also?

1           A           Very.

2           Q           He wasn't afraid to express his opinion,  
3           was he?

4           A           Not at all.

5           Q           Would you say Sam Allgood had strongly held  
6           fixed beliefs about certain things?

7           A           Yes, I think he had high values. I know he  
8           was very protective of his family. He always wanted  
9           the best for Malcolm and Marcus. He talked about  
10          them often. He kept us up on - especially when  
11          Malcolm was going to school up in, I believe, Boston  
12          and he always talked very highly of Bonnie and Marcus  
13          and Malcolm. He had high ideals as far as work  
14          ethics. He liked to do things neat, well, properly,  
15          correct and very efficient, very fast, very  
16          ingenious.

17          Q           So, Sam Allgood was a good man; and you are  
18          not really trying to say otherwise, right?

19          A           No, not at all, no.

20          Q           Was Sam Allgood the kind of guy who was  
21          easily influenced?

22          A           No.

23          Q           All things considered, Mr. Zamora, would  
24          you say that Sam Allgood was his own man?

25          A           Yes.

1 Q That he had a mind of his own?

2 A Uh-huh.

3 MR. ALLEN: Is that a "yes"?

4 A Yes.

5 MR. WALLACE: Doug, I will pass  
6 the Witness right now.

7 Thank you, Mr. Zamora.

8 MR. ALLEN: Do you want to take  
9 this dog out now, Mr. Zamora? If you  
10 want to, we're fine.

11 THE WITNESS: Yes.

12 MR. WALLACE: Doug, do you want  
13 to take a couple of minutes here to ---

14 MR. HOLFORD: (Interrupting) No,  
15 I will just note it is 11:47. We  
16 started at 11:00, and I will take over  
17 now.

18 MR. ALLEN: Mr. Zamora wants to  
19 take the dog outside?

20 MR. HOLFORD: Do you want to take  
21 the dog outside.

22 THE WITNESS: Yes.

23 MR. HOLFORD: I am sorry. I  
24 thought you said no.  
25

(AT THIS TIME A BRIEF RECESS WAS  
TAKEN, AND THE PROCEEDINGS THEREAFTER  
RESUMED AS FOLLOWS:)

MR. ALLEN: I want to note for  
the record on my watch it is 11:46 and  
we started at 5 after 11:00

MR. HOLFORD: I will accept that.

MR. WATERBURY: My numbers are a  
little different.

MR. ALLEN: And also we had one  
interruption. I had to answer the  
door and then we had to take the guest  
in. That was about a minute and a  
half off of that time; so, by  
subtraction I think we were into the  
39 minutes or so category. I am not  
quite certain.

EXAMINATION BY MR. HOLFORD:

Q Mr. Zamora, you will recall I am Doug  
Holford.

A Yes.

Q And I am from Houston and I represent Mrs.  
Samuel Allgood, who is called Bonnie and her sons

1 Marcus and Malcolm.

2 Before this deposition, did Mr. Allen and  
3 another lawyer come and visit you and talk with you?

4 A Yes.

5 Q How long were they here to talk to you?

6 A I would say about 15, 20 minutes.

7 Q And between the visit of Mr. Allen and the  
8 other lawyer and the two investigators that came  
9 about a month ago, did they ask you essentially all  
10 of the questions that you were asked here today so  
11 far?

12 A Some, not all. In fact, the majority of  
13 the questions that I was asked here were different  
14 than the ones I was asked the first time by the first  
15 investigator and the second time by them. These  
16 questions that they have asked me this morning are  
17 more specific.

18 Q All right.

19 A Those questions that were asked of me  
20 earlier by these two people and the investigator were  
21 of the same nature, but not as specific.

22 Q So, is it fair to say that Mr. Allen and  
23 the other -- Was the other lawyer, Mr. Wallace, here?

24 A Yes.

25 Q Oh, all right. That Mr. Allen's and

1 Mr. Wallace's visits and the visits of the two  
2 investigators a month ago, that in general, they  
3 covered everything that you were asked here today?

4 A Not everything, no. In fact, they didn't  
5 cover as much as they have covered here this morning.

6 Q Now, what I am trying to get at,  
7 Mr. Zamora, is when the investigators left and  
8 Mr. Allen and Mr. Wallace left, did they have an idea  
9 of what you were going to say this morning?

10 A I don't think so.

11 Q All right.

12 A I have been -- I'm sorry. I want to  
13 apologize to both sides. I have been a little bit  
14 rude, borderline to you and to them at times and to  
15 the other two people. I can't remember their names.

16 I agreed to have this deposition because I  
17 was impressed with they wanted the truth and I have  
18 plenty of time because I am retired and I have  
19 principles and I believe in doing what's right and  
20 contributing to our system. But I can't say that any  
21 one side or the other asked me anything different of  
22 any consequence; and if I was rude to you gentlemen  
23 and to you on the phone, I'm sorry. But I mean, I  
24 wanted to be fair. I want to live with my conscious.

25 Q Mr. Zamora, in view of your statement, I

1 want to put a question this way: I hope you  
2 understand that in our society a witness who is not a  
3 party to the lawsuit can do just what they want to  
4 with their time or not, okay.

5 Now, because I believe what you told me  
6 when I got to questions about Sam smoking was that  
7 you would answer those questions at the deposition;  
8 is that right?

9 A That's true because you already knew. They  
10 already knew, Bonnie knew. The whole world knew Sam  
11 smoked. So, why ask me if Sam smoked? I mean, this  
12 is really getting kind of elementary. You are  
13 supposed to be grown-up lawyers, how you trained. I  
14 mean, don't insult people by asking silly, stupid  
15 questions like "Did Sam smoke?" Sure he smoked.

16 Now, if you want to be specific, that's why  
17 I said, "You people wait until you-all get together  
18 and I will tell you the same story so you-all can  
19 hear the same thing. I didn't like their questions.  
20 I didn't like your questions and I didn't like the  
21 other people's questions because they were so  
22 elementary and so dumb that that's why I acted the  
23 way I acted to you on the phone and to them  
24 personally. I mean, let's face it. Ask me something  
25 straight and I will tell you the truth, but don't try

1 to coerce me, don't try to influence me because you  
2 are still going to get the same answer.

3 Q Mr. Zamora, let's see if I can address  
4 that.

5 Did I ask you if Sam smoked? I asked you  
6 if you smoked.

7 A Yes.

8 Q Are you saying here today that I asked you  
9 if Sam smoked?

10 A No, no, no. But they did, and the other  
11 guy asked me.

12 Q All right, now. And the other thing is ---

13 A (Interrupting) And what difference would it  
14 make if I smoke?

15 Q We will get to that, Mr. Zamora. We will  
16 get to that.

17 Now, the other thing is it was when I was  
18 trying to ask you detailed questions about anything  
19 Sam said about smoking or like that that you said,  
20 "Mr. Holford, just wait until the deposition." Isn't  
21 that right?

22 A Well, I was already tired of those first  
23 two investigators and these two people asking me the  
24 same kind of questions. I mean, if those two and  
25 these two can't get together, surely I ain't going to



1 get together with you.

2 Q But that is what you said to me at that  
3 time?

4 A That's right.

5 Q Now, when did you become foreman - full  
6 foreman?

7 A February the 1st. I believe it was  
8 February the 1st, 1992.

9 Q What was your position before that?

10 A I was ---

11 Q (Interrupting) Temporary foreman, I think.

12 A I was temporary foreman.

13 Q How long?

14 A For almost 20 years, the longest in the  
15 history of the company, in age and in service.

16 Q Does that mean that from time to time, you  
17 were asked to take the position of foreman?

18 A Right. More than technician.

19 Q Is that different than a step-up foreman?

20 A No, a step-up foreman means that you step  
21 up from technician to foreman.

22 Q So, when you say you were a temporary  
23 foreman that means you were a step-up foreman?

24 A Right. You attend all the meetings and you  
25 get all the perks, whatever, like the regular

1 foreman.

2 Q For that time period that you are the  
3 step-up foreman?

4 A Yes, other than a salary and vacation,  
5 everything officially is structured by company  
6 policy. You still stay in the same class group as a  
7 technician; but as far as privileges, you still have  
8 the same as the regular foreman when you are stepped  
9 up.

10 Q Mr. Zamora, do you still box?

11 A Sure.

12 MR. WALLACE: He is about to  
13 tangle with you.

14 A I was the Marine Corps boxing champion.

15 Q I understood that. I just meant now a  
16 number of years later if you had kept up with it and  
17 you do?

18 A A couple of weeks ago I outran my  
19 30-year-old son.

20 Q So, is it fair to say that you have never  
21 had any adverse effect on your health from your  
22 smoking to date? Is that true?

23 A Well, yes, I have. I say that I have. I  
24 don't know if it is old age, but I can't run as long  
25 duration periods, you know, as I used to. So, I have

1 to be fair. I smoke; so, it is possible. I am not  
2 saying it isn't. Other than my age, but that's the  
3 only thing. Other than that, nothing else bothers  
4 me.

5 Q In view of the fact that you are  
6 approaching 60 now; is that right?

7 A Yes.

8 Q Which do you think is more likely - that  
9 this decline in your running ability is due to your  
10 age or to your smoking? Which do you think is more  
11 likely?

12 A Probably the age; but like I say, I am  
13 trying to be fair.

14 Q I understand now. You named a man named  
15 Homer Stevens that you say Sam hit.

16 A Right.

17 Q Was Homer Stevens a drunk?

18 A I wasn't there; so, I don't know.

19 Q So, anything you have related about this  
20 incident of Sam hitting someone in the gas  
21 chromatography room, you only heard about; is that  
22 right?

23 A Not only did I hear about it. I mean,  
24 there is a report made out, an official report and  
25 there is also a disciplinary procedure and steps that

1       you go by and everyone sees them and everyone knows  
2       them and everyone is privy to all that.

3       Q           I am only saying you didn't see it  
4       yourself?

5       A           No, I wasn't there, no.

6       Q           You didn't hear it as it was going on?

7       A           No, no, no.

8       Q           Now, but -- So, you don't know whether or  
9       not the person you say was Homer Stevens was drunk at  
10      that time?

11      A           No, I don't.

12      Q           If he was, would that make a difference in  
13      how you think about that incident?

14      A           No, because a person in authority should  
15      always be able to control themselves.

16      Q           And in your opinion it doesn't matter what  
17      that man said to Sam Allgood?

18      A           No, there are disciplinary steps and  
19      procedures to follow. Whether the man had on a  
20      monkey suit or a clown suit or drunk or sober, it  
21      makes no difference. You still have to do your job  
22      the same way.

23      Q           All right, sir. And the man that you  
24      recall is Homer Wheeler was a smoker?

25      A           Homer Stevens.

1 Q I'm sorry. Homer Stevens. Oh, I'm sorry.

2 If I have been using Hermann Wheeler ---

3 A (Interrupting) No, you said Homer Stevens.

4 Q Homer Stevens. Homer Stevens was a smoker;  
5 is that right?

6 A Right.

7 Q Do you know whether or not at that time  
8 Mr. Allgood was generally friendly with this Homer  
9 Stevens? Being a smoker like him, was he generally  
10 friendly with him?

11 A Yes, as opposed to being unfriendly, yes.

12 Q So, do you think that something out of the  
13 ordinary happened at that time that caused Sam to hit  
14 the man?

15 A Yes, I believe so.

16 Q Although Sam could have a temper, he didn't  
17 go around hitting people, did he?

18 A No, no. Other than that, I don't know that  
19 he hit anyone else.

20 Q You received a letter last Friday from  
21 Mr. Allen?

22 A Yes.

23 Q Do you have that?

24 A Somewhere, yes.

25 Q Could I see it?

1 MR. ALLEN: Yes, you can go get  
2 it if you have it.

3 A Let me see (Procuring letter).

4 MR. ALLEN: Doug for purposes of  
5 the record, if it is necessary so as  
6 not to slow this deposition down, I  
7 will provide you with a copy.

8 I will tell you what the letter  
9 says: "Dear Mr. Zamora: This is to  
10 confirm that your deposition will take  
11 place Friday, August 13th, at  
12 11:00 a.m., at your home. If you have  
13 any questions, please do not hesitate  
14 to call me. Very truly yours, Scott  
15 Allen" I think is what it says.

16 And if you want me to, I will  
17 provide a copy of that to you later so  
18 we don't have to slow it down.

19 MR. WALLACE: Let's see when he  
20 comes back.

21 MR. ALLEN: Here it is. Let's  
22 see how accurate I was.

23 MR. HOLFORD: That's the one.

24 MR. ALLEN: That's it.

25 MR. HOLFORD: Can I see it

1 please?

2 THE WITNESS: Sure.

3 MR. HOLFORD: (Reviewing letter  
4 and envelope)

5 Okay. And I don't want to take  
6 or tie up Mr. Zamora's copy; so, will  
7 you agree to provide me with a copy ---

8 MR. ALLEN: (Interrupting) We can  
9 just attach this as the original.

10 MR. HOLFORD: All right. Make  
11 that Exhibit 1.

12  
13 (WHEREUPON, ZAMORA EXHIBIT NO. 1  
14 WAS MARKED FOR IDENTIFICATION  
15 PURPOSES. SAME WILL BE FOUND AT THE  
16 CONCLUSION OF THIS DEPOSITION.)

17  
18 THE WITNESS: Can I read it  
19 again? (Reviewing letter)

20 (By Mr. Holford)

21 Q That is the one you received?

22 A Sure.

23 Q Now, Mr. Zamora, did you know Sam at all  
24 outside of work?

25 A We visited quite a bit when he was a barber

1 at -- I can't remember his name. He is dead now.

2 Q The older gentlemen, the barber?

3 A Yes.

4 MR. WALLACE: Walt Blevins?

5 A Walt Blevins, yes. And I used to go there  
6 and not necessarily get a haircut - I did get my hair  
7 cut there - and just go in there and sit and talk to  
8 them.

9 Q Now, Sam became certified as a barber when  
10 he was at Amoco lab; is that right?

11 A I don't know if you call it certified. He  
12 was licensed, I believe.

13 Q Licensed, thank you. Licensed as a barber.  
14 Was that when he was at Amoco lab?

15 A Yes.

16 Q So, for the time he did this barbering, he  
17 was working at two jobs there?

18 A No, he didn't barber all the time. He just  
19 barbered sometimes. He wasn't there all the time.

20 Q Okay. I understand; but what I am saying  
21 is is that when he did the barbering, he was still  
22 keeping on his job at Amoco lab; is that right?

23 A Oh, yes.

24 Q Do you remember how long a period it was  
25 that you would go visit Sam at ---



1           A           (Interrupting) No, I sure don't because  
2           even after Sam stopped barbering, I would still go in  
3           there and talk to Walter; and so, you know, I  
4           couldn't remember when he stopped barbering and was  
5           no longer there and I kept on going until Walter  
6           died.

7           Q           By the way, Mr. Zamora, the language that  
8           you said Sam spoke sometimes that you apologized to  
9           the ladies for using --

10          A           Yes.

11          Q           -- from your own experience knowing Sam was  
12          a Navy man, would you call that military talk?

13          A           Well, I am an ex-drill instructor in the  
14          Marine Corps; and I won a contest for putting  
15          together 37 cuss words in a row. And I can cuss with  
16          the best in the world and I will tell you something,  
17          there is no excuse for being disrespectful to women  
18          and there is no tolerance for that ---

19          Q           (Interrupting) Yes, sir.

20                       MR. ALLEN: Let him finish his  
21                       answer.

22          A           --- because I have been angry and I have  
23          cursed at my wife, I have cursed at my children; but  
24          very seldom have I cursed anyone out in the street or  
25          in public and especially at work.

1                   Now, when I have - and I have, very seldom -  
2                   but when I have, I have apologized and I have gone to  
3                   lengths to repair that hurt or that damage I have  
4                   done. Sam wasn't that way.

5                   Q               Well, Mr. Zamora, I'm sorry; but I thought  
6                   you said before here that the language Sam used, you  
7                   did too.

8                   A               No, the defense and the word "shit" was  
9                   commonly used. I didn't say I used it. I said it  
10                  was commonly used. It still is today commonly used.  
11                  In fact - if you will please excuse me - the word  
12                  "fuck" is now a common word in the workplace at Amoco  
13                  Chemicals Laboratory. It is an everyday word by the  
14                  men and the women. But I didn't use that.

15                  Q               Well, okay. Mr. Zamora ---

16                  A               (Interrupting) I defended myself like Sam  
17                  did, but not with those words.

18                  Q               Well, when Sam Allgood used those words, he  
19                  was speaking to men, not women?

20                  A               A couple of times he did it in front of  
21                  women.

22                  Q               Over 17 years, you mean, a couple of times,  
23                  then?

24                  A               Yes.

25                  Q               Mr. Zamora, I am not sure I got an answer

1 to my first question.

2 The use of that cussing language, just as  
3 you have described it here today, would you call that  
4 military talk?

5 A Yes.

6 Q Mr. Zamora, is it true that you were on the  
7 same shift with Sam Allgood only in the early  
8 Eighties?

9 A I don't remember the exact years, but it  
10 had to be -- No, I was on shifts with him before that  
11 because all the people that were hired -- 1969 was  
12 the year that more people got hired than any other  
13 year in the history of that laboratory.

14 Bobby Rivers was hired, I was hired, a man  
15 by the name of Miller, a man by the name of Eastburn,  
16 also a man by the name of Judd McCann, Sam Allgood.  
17 I can't recall the others, but there were about 10,  
18 roughly within a year's period.

19 So, during those periods, we would always  
20 go in groups to training sessions. These training  
21 sessions lasted over years because we had new  
22 products and we had new working schedules. So, we  
23 worked very often together - maybe not for long  
24 periods of time, but we worked often - we worked  
25 together often.

1 Q Now, are you describing 1969 and maybe a  
2 few years after that?

3 A No, no, we are talking about in the later -  
4 say, from the middle Seventies to a little past the  
5 Eighties - somewhere around that time because that's  
6 when the Quality Program was instituted by Amoco  
7 Corporation and everyone had to go through the same  
8 training - all employees - even clerks; even letter  
9 carriers, you know, mail delivery people; everyone.

10 So, during that time when that particular  
11 part of the training was assigned to be done for the  
12 lab, we would always take people from different  
13 shifts and put them on a shift that would be on days  
14 so they could train. So, no matter what shift, we  
15 progressively rotated. They would take you off that  
16 shift and put you on the day schedule to be trained.  
17 So, we often - through the years until all this  
18 training was done - so, we worked together a lot.

19 Q Well, sir, okay. Other than that - being  
20 put on a day shift so that you could attend company  
21 training that you have just described, other than  
22 that, is it true that the only time period that you  
23 were assigned to the same shift as Sam Allgood was  
24 during the early Eighties? Is that true aside from  
25 that ---

1           A           (Interrupting) You mean assigned  
2 permanently.

3           Q           Yes, for your shift assignment.

4           A           That may be true. That may be true because  
5 being a step-up foreman, I would work on any one of  
6 four shifts at any given time. I would replace any  
7 foreman that was absent for whatever reason - ill or  
8 vacation - I would replace him. At one time I was  
9 the only relief foreman in the lab - the only one.  
10 So, I had to cover all the shifts. So, I made a lot  
11 of money. So, I worked with every shift; and it  
12 didn't make any difference to me. I just shifted  
13 from shift to shift and worked with everybody.

14          Q           But I think this is one thing that you told  
15 me - and tell me if I heard it right, in other words -  
16 that aside from your step-up foreman positions or  
17 aside from the assignments to free people for company  
18 training, your regular assignment for shift work was  
19 the same as Sam Allgood's only in the early 1980's?

20          A           No, my assignment was never the same with  
21 Sam's, no. We worked -- We may have worked in the  
22 same area, but for a five-year period, I was the  
23 expert in the lab, in the gas chromatography room and  
24 I work - there was four of us and we stayed in that  
25 particular area for five years.

1 Q Who were those four? You and who else?

2 A It was myself and another man that's a  
3 black man, Herbert Williams and I believe Sam LaSalle  
4 and I can't recall who the other one was. But  
5 anyway, for five years we stayed; so, we all had more  
6 or less a specialty job in those days until the union  
7 and the company started having conflicts and then  
8 everyone had to rotate all the jobs.

9 Q So, when was that five-year period,  
10 roughly?

11 A I would say in the middle Seventies.

12 Q Okay. And that fourth person that you  
13 can't recall, that wasn't Sam Allgood. Is that true?

14 A The reason I don't remember is because Sam  
15 was very adaptive to work and he would be assigned  
16 different areas. He was very quick to learn, and I  
17 don't remember if he was the other one or not.

18 Q Well, given his adaptability to any of the  
19 equipment, is it more likely that he wasn't assigned  
20 to just that one instrument?

21 A Yes, that's why I hesitate to say that he  
22 was the other one because he worked - he was very  
23 adapted to all kinds of work.

24 Q Okay, sir. Now, I think the question to  
25 you on this maybe got a little twisted; but are you

1 telling us here that Sam Allgood, in your opinion,  
2 was a good man?

3 A He was a good man.

4 Q You addressed this some, but I am not sure.

5 Did Sam ---

6 A (Interrupting) When I say "good man," a  
7 good person, that doesn't necessarily mean that a  
8 good person can't have problems and whose behavior  
9 and conduct may be different than the norm either  
10 throughout society or in a specific work area.

11 I am saying he was a good man. He had a  
12 good heart. Now, how he reacted to people as I knew  
13 him was what I described: He became angry easy and  
14 didn't have patience.

15 Q And, Mr. Zamora, my question is a very  
16 broad one. Taking into account everything that you  
17 know and you have said about Sam Allgood and compare  
18 it to everybody else that you know, would you call  
19 Sam Allgood in summary a good man?

20 A Yes.

21 Q And good person?

22 A Yes.

23 Q Now, did Sam - I think you spoke on this -  
24 but did he talk in your hearing about his family?

25 A Did he discuss his family?

1 Q Yes.

2 A Other than when Marcus was in high school  
3 about his grades, he was a very good student; and, of  
4 course, I knew about him getting his barber license  
5 and then when he got on the police force. And he  
6 talked about Malcolm when he went to school and when  
7 he would come home and, you know, he would keep up  
8 everyone about his kids. He was very proud of his  
9 kids. And I see Marcus -- Well, I haven't seen him  
10 in probably six months, maybe eight months; but I  
11 used to see him often, you know, like, once a month,  
12 whether it would be on-duty or off-duty, you know, in  
13 Texas City.

14 Q You mean he being on- or off-duty as a  
15 policeman, in other words?

16 A Yes. I moved here in October of last year.

17 Q When you retired?

18 A Yes.

19 Q Did what you heard Sam say about his family  
20 tell you that Sam Allgood loved his family?

21 A Yes.

22 MR. ALLEN: We will stipulate to  
23 that.

24 Q And that he cared about them and took good  
25 care of them?



1 MR. ALLEN: We will stipulate to  
2 that.

3 A Yes.

4 Q And indeed that what he would tell you and  
5 what Marcus has ever told you, that his family loved  
6 and respected him?

7 A Yes. As far as I am concerned, he was very  
8 normal with his family; but the only time that he  
9 talked to me was when he was having trouble  
10 convincing Marcus to go to college and stay in  
11 college and that was a thorn to him because I guess  
12 Marcus didn't want to go and that was his only  
13 complaint about the kids.

14 Q Do you know a parent that has one or more  
15 children that didn't go through that?

16 A Sure.

17 Q You do? You know some who didn't?

18 A Yes.

19 Q Do you know a lot more who did?

20 A No. My wife and I have nine college  
21 graduates; so, we know how to stay on them.

22 Q But don't you think your children had  
23 something to do with that, too?

24 You said you know how to stay on them.

25 MR. ALLEN: We will stipulate to

1                   that.

2                   MR. HOLFORD: I am not interested  
3                   in your stipulations, Mr. Allen.

4       A           No, I don't think so. I think parental  
5                   influence has a lot to do with convincing kids.

6                   MR. ALLEN: We will stipulate to  
7                   that.

8                   MR. HOLFORD: I am considering  
9                   these remarks sidebar, Mr. Allen. I  
10                  don't know why you think that a  
11                  stipulation is of any use to anybody  
12                  on these points.

13                  MR. ALLEN: I am just saying  
14                  these matters are just kind of  
15                  irrelevant and immaterial, and we will  
16                  stipulate to them.

17                  MR. HOLFORD: Make an objection  
18                  then, Mr. Allen.

19 (By Mr. Holford)

20       Q           You used to see Sam with his boys when they  
21                   were little?

22       A           Well, he would be driving around. I don't  
23                   recall seeing him drive around with Marcus, but  
24                   Malcolm - I saw him with Malcolm a couple of times.

25       Q           Now, Mr. Zamora, how much do you smoke?

1 How many cigarettes a day on average?

2 A I smoke a pack a week.

3 Q Can you measure how much - when you knew of  
4 it, how much Sam smoked at work?

5 A It depended on, like I say, on the time we  
6 had to smoke.

7 Q He smoked only where permitted by the  
8 company; is that right?

9 A No, we smoked when we had time.

10 Q Well, I know; but when he did smoke ---

11 A (Interrupting) We smoked all the time, I  
12 tell you what, because it was a high-stress job. It  
13 is still a high stressful job. There were a lot of  
14 personnel problems, there were a lot of work  
15 problems, there were a lot of interrelationship with  
16 people problems.

17 So, we wanted to go in the lunchroom and  
18 smoke. So, it was like a refuge and the only way to  
19 go in the lunchroom and sit down and not be bothered,  
20 once you lit up a cigarette they couldn't ask you -  
21 they could, but they wouldn't - ask you to go make a  
22 run and get samples or go do some tests as long as  
23 you were smoking a cigarette or you were eating. So,  
24 if you weren't eating, you were smoking.

25 Q Is it true that Sam smoked on every break

1 he had?

2 A Yes. I did, too.

3 Q So, at work was he able to average a  
4 cigarette about every 30 minutes?

5 A No, I couldn't say once every 30 minutes.

6 Q But when he couldn't smoke for more than 30  
7 minutes, he would make up for it in the time he had  
8 to smoke; is that right?

9 A No, we only smoked when we had breaks. And  
10 even if you didn't want to smoke, it was a good  
11 reason to smoke to stay away from or to keep from  
12 being assigned work to go outside where it was hot  
13 like today or cold in the winter. I mean, you used  
14 the cigarette as a defense because once you lit it,  
15 they wouldn't ask you to put it out and go get in the  
16 truck and go get some samples or go move a barrel or  
17 go, you know, do some other work. So, smoking was a  
18 defense mechanism, besides in my case, liking it and  
19 we all grouped together.

20 You know, you heard the old saying: "Birds  
21 of a feather flock together." We all rushed to the  
22 lunchroom and smoked.

23 Q But when you and Sam were craving a  
24 cigarette, you were able to go and smoke one?

25 MR. WALLACE: Objection. I don't

1 think there has been any testimony  
2 about any craving, Mr. Holford.

3 Q Didn't you from time to time crave a  
4 cigarette?

5 A Well, I don't know if it is a craving

6 Q Want one?

7 A When I am doing something, I don't think  
8 about cigarettes.

9 Q I am not talking about now. I am talking  
10 about back when you smoked.

11 A No.

12 Q How much did you smoke when you smoked more  
13 than a pack a week?

14 A How much did I smoke?

15 Q Yes, sir. Back in the Eighties and the  
16 Seventies, how much did you smoke?

17 A About the same.

18 Q A pack a week?

19 A About a pack a week, yes.

20 Q You never in your life smoked more than a  
21 pack a week?

22 A No, no, the only exception is when I drink  
23 beer I just constantly have a cigarette in my  
24 fingers; but I can't say that I - speaking for myself -  
25 am addicted because I can mow the yard. It takes me

1 to edge, trim and mow the yard a good three hours and  
2 I can come in and take a bath and watch TV for two  
3 hours and then I will start looking to see where my  
4 cigarettes are. So, I am not hooked if that's the  
5 word. I just enjoy smoking.

6 Q Did you say you had quit for five years at  
7 one time?

8 A Yes.

9 Q But then you came back to it?

10 A On January the 1st. I always start on  
11 January the 1st. It is party time.

12 Q I think you said that you don't think you  
13 are running a higher risk for lung cancer or anything  
14 because of your smoking.

15 A I don't think so, no. I think -- I said I  
16 was trying to be fair. I am not going to say that  
17 smoking does not have anything to do with it. It  
18 may. I am not saying it has, but it may be my age  
19 more than the smoking.

20 Q Okay, sir. Do you know what the tobacco  
21 industry's position on whether smoking is harmful to  
22 humans is? Do you know what that is?

23 A All I know is -- What their position is?

24 Q Yes, sir.

25 A No, not exactly.

1 Q But I mean, have you ever heard anybody  
2 speaking for the tobacco industry say as to  
3 allegations that smoking causes disease in humans  
4 that it is not proven? Have you heard that?

5 A Sure, I have heard it for years. Yes, I  
6 have heard and read articles on both sides for and  
7 against.

8 Let me tell you a story if I may, and I  
9 don't mean to be ---

10 Q (Interrupting) No, no, sir. Let me  
11 interrupt you.

12 Did your wife say you had to be somewhere  
13 at 12:45?

14 MR. ALLEN: He is trying to ---

15 Q (Interrupting) It is not important ---

16 A (Interrupting) Yes, it is important, but  
17 not that important.

18 Q Well, I may not be through ---

19 A (Interrupting) Well, anyway, I want to tell  
20 you a story.

21 Q I don't have a question to you right now,  
22 Mr. Zamora.

23 MR. ALLEN: What he is trying to  
24 do, Mr. Zamora, is he is going to try  
25 to drag this through 12:45 so you will

1 miss your appointment. And if it is  
2 possible for you to stay, we will stay  
3 and try to finish ---

4 MR. HOLFORD: (Interrupting)  
5 Mr. Allen, I object to your sidebar,  
6 to your personal remark, as well.

7 MR. ALLEN: Well, that's what I  
8 think is going to happen.

9 (By Mr. Holford)

10 Q Okay, sir. Now, what does this story have  
11 to do with? Don't tell me the story. Just tell me  
12 what it has to do with?

13 A Well, it seems that you have gotten to the  
14 point where you just want me to answer your questions  
15 so I will do that.

16 Q Okay.

17 Now, how old were you when you first smoked  
18 a cigarette, Mr. Zamora?

19 A First smoked a cigarette?

20 Q Yes, sir. The very first time in  
21 San Antonio.

22 A Probably 11.

23 Q Except for this five-year period you have  
24 mentioned roughly 1988 to 1993, you have smoked  
25 cigarettes all that time?



1 MR. ALLEN: Object to relevancy.

2 A From '88 to '93?

3 Q Didn't you say you stopped for five years?

4 A This was a long time ago for a five-year  
5 period.

6 Q Yes, sir, for a five-year period.

7 So, except for that five-year period ---

8 A (Interrupting) I didn't say I stopped for  
9 five years from this day to this day. I said I  
10 stopped for five years.

11 Q Is that a sum total over all the time?

12 A Yes, from about somewhere in the early  
13 Eighties to about the middle Eighties.

14 Q Now, except for that time ---

15 A (Interrupting) Then I started smoking  
16 again.

17 Q Yes, sir.

18 A In fact, everybody in the lab can comment  
19 on that because -- And the reason I stopped was  
20 because somehow I just didn't feel like smoking. I  
21 mean, it wasn't that I made up my mind and just  
22 stopped. I mean, one day I realized I wasn't smoking  
23 and I didn't buy anymore and it lasted for five years  
24 and then January the 1st, whatever that year was, I  
25 started smoking again.

1 Q Now, Mr. Zamora, you know, I keep repeating  
2 this maybe; but first of all, except for that  
3 five-year period that you have mentioned, all the  
4 rest of the time from when you were 11 you smoked  
5 cigarettes?

6 A No, no, I didn't smoke. I smoked a  
7 cigarette when I was 11, and then I didn't smoke  
8 again until I was about 17.

9 Q All right. So, you really started when you  
10 were 17?

11 A Well, I mean, I smoked for a little while  
12 and then I couldn't afford them. So, I didn't smoke  
13 until I went in the Service and then I could afford  
14 them and I smoked in the Service for a year and then  
15 I stopped smoking and I didn't smoke until I got out  
16 of the Service.

17 So, there has been several years in between  
18 all these times that I have stopped smoking.

19 Q How long were you in the Marine Corps, sir?

20 A Three years and seven months.

21 Q How many days? No, I am kidding.

22 Now, Mr. Zamora, at any time that you  
23 smoked you are telling us that you never smoked more  
24 than a pack a week; is that right?

25 A Well, when I drink.

1 Q And when you drink ---

2 A (Interrupting) I am exempting when I go to  
3 the bar and drink or I have a barbecue out here or we  
4 have a big dinner here and we stay in here,  
5 especially if you have got all your kids. I mean, I  
6 smoke away, you know; but ...

7 Q You might smoke a pack at one of those  
8 events ---

9 A (Interrupting) Like, today it is already  
10 12:25 and 12:30; and I haven't had a cigarette.

11 Q You do have a pack in your pocket?

12 A Yes, I have a pack, yes.

13 Q What is that?

14 A Cheap basic Menthol Lights 100

15 MR. WALLACE: Second best-selling  
16 cigarette in America right now.

17 THE WITNESS: Is it really -  
18 this?

19 MR. WALLACE: Yes.

20 THE WITNESS: Good choice, huh?

21 MR. WALLACE: Excellent choice.

22 Q Where were you in January, 1954,  
23 Mr. Zamora?

24 A 1954?

25 Q Yes, sir. Can you pin that dawn?

1 MR. WALLACE: Doug, I already  
2 told him it wasn't a memory contest.

3 A January, 1954?

4 Q Just in 1954.

5 A Probably in California.

6 Q What were you working at?

7 A In '54?

8 Q Yes, sir.

9 A '54.

10 Q Well, you were ---

11 A (Interrupting) I was in the Marine Corps.

12 Q You were in the Marine Corps at that time?

13 A Yes.

14 Q You believe you were stationed in  
15 California?

16 A Yes, I believe so.

17 Q Was your entire marine assignment in  
18 California?

19 A No, I went overseas.

20 Q Did you? Where?

21 A Korea.

22 Q But you got back from Korea before January,  
23 '54, do you think?

24 A No, I was over there -- Do you want to see  
25 my DD-214 form? You can get it off of that.

1 Q Sure, I would like to see it.

2 A Do you want it now?

3 Q Well, how long will it take you to get it?

4 A I don't know. I have it, but ---

5 MR. ALLEN: (Interrupting) Don't  
6 make him get it.

7 A But I don't see where -- I don't see how  
8 all these brains here put together can convince me  
9 that where I was that year has any importance to this  
10 case. Give it your best shot.

11 MR. ALLEN: Good point.

12 Q Mr. Zamora, I will tell you that in the  
13 case there is a reference to the day January 4th,  
14 1954 and I am seeking to find out if I can establish  
15 just right where you were during that time period -  
16 not that particular day - but just generally your  
17 best recall of where you would be during the time  
18 period including that day.

19 MR. ALLEN: I object to  
20 relevancy, immateriality and ---

21 A (Interrupting) I will have to look at the  
22 records.

23 MR. WATERBURY: I will join in  
24 the objection.

25 A I was young. I didn't care what day was ---

1 Q (Interrupting) Wherever you were, did you  
2 even read the newspapers at that time?

3 A Well, probably not.

4 Q Well, there was on that day, Mr. Zamora,  
5 almost full page, I think - except for one column  
6 over here - a full page - you could call it an ad,  
7 you could call it a lot of things ---

8 MR. WALLACE: (Interrupting) You  
9 can call it a frank statement.

10 Q It was entitled "A Frank Statement to  
11 Cigarette Smokers," and it talked about what the  
12 tobacco industry thought about the allegations that  
13 it caused disease and what they were going to do  
14 about it and so on and then a whole bunch of, you  
15 know, companies down here.

16 Do you remember that?

17 A No.

18 Q Okay.

19 You have described maybe a couple, but can  
20 you tell us how many times you have quit or tried to  
21 quit smoking?

22 MR. ALLEN: Objection.

23 Relevancy.

24 A Well, first I have quit without trying.

25 Q Okay. Fine. We will include that,

1 Mr. Zamora. I just want to know how many times you  
2 either just tried to quit, but didn't, if there are  
3 any like that. Have there been any like that where  
4 you tried ---

5 A (Interrupting) I don't think that I ever  
6 tried to quit. I have just quit ---

7 Q (Interrupting) How many times ---

8 A (Interrupting) But I know that I have  
9 started again and it is always a New Year's Day  
10 celebration - wherever we are, you know, you are  
11 drinking and smoking and that's when I start - the  
12 times that I have done it because everybody knows  
13 that's when I start smoking.

14 Q Mr. Zamora, now, it may be an  
15 approximation, I understand; but can you give us an  
16 idea of how many times you have quit?

17 MR. ALLEN: Objection.

18 Relevancy, asked and answered,  
19 immaterial, harassing.

20 A Well, I would say -- Counting the time from  
21 when I was 11 to 17?

22 Q Sure.

23 A Okay. Now, remember that I didn't try to  
24 quit there.

25 Q I am not asking about ---

1 A (Interrupting) I quit ---

2 Q (Interrupting) How many times have you quit ---

3 A (Interrupting) But I started again and then  
4 I stopped smoking.

5 Q Well, okay.

6 A The second time ---

7 Q (Interrupting) Let me use the word  
8 "stopped."

9 A I would say about five times. I may be off  
10 one or two.

11 Q So, in your entire life, in other words,  
12 you have stopped smoking about five times?

13 A Uh-huh.

14 Q Now, another approximation, Mr. Zamora. I  
15 am talking about on an average here, including the  
16 times that you barbecue and the times that you were  
17 drinking and any times at all, how many packs in a  
18 day or a week on average do you end up smoking?

19 MR. ALLEN: Objection.  
20 Relevancy.

21 MR. WALLACE: Asked and answered.

22 MRS. ZAMORA: You don't have to  
23 answer that, Enos. That's not a good  
24 question.

25 MR. ALLEN: I want to join in the



1 objection of Mrs. Zamora as to asked  
2 and answered, irrelevant, immaterial.

3 Q Now, you told me what you smoked; but then  
4 you said that when you drink, you smoke more.

5 A I want to ask you again and I want you to  
6 give it your best shot again. Convince me how what I  
7 smoked and what I did with my life all throughout my  
8 life has anything to do with Sam and his smoking and  
9 the lawsuit that Bonnie has. Give it your best shot  
10 because I am getting tired of your little pissy ass,  
11 little chicken shit questions that don't amount to  
12 nothing, okay.

13 Q Now, Mr. Zamora ---

14 A (Interrupting) You can put that in the  
15 record.

16 Q Yes, sir, you just did.

17 Mr. Zamora, when the case is over, I will  
18 explain to you anything you want to know; but right  
19 now I am asking you questions. Do you understand  
20 that?

21 A Yes.

22 MR. ALLEN: I just need to object  
23 to relevancy.

24 Q I want to know, including the times that  
25 you drink and the times that you have people over and

1 anything at all, how much do you smoke on the  
2 average?

3 MR. ALLEN: Object to relevancy,  
4 asked and answered, immateriality,  
5 harrassing.

6 MS. WARE: I am going to join in  
7 that objection.

8 A Probably no more than four or five  
9 cigarettes, not packs.

10 Q Four or five cigarettes a what. A day?

11 A A gathering.

12 Q But give me in a day or in a week?

13 MR. ALLEN: Objection. Asked and  
14 answered, irrelevant.

15 A No, that's impossible to do. It is  
16 impossible to do. I am not going to rack my brain  
17 and try to do something that's very unnecessary.

18 Q Well, Mr. Zamora, if you are not doing it  
19 because you think it is unnecessary, I am going to  
20 have to either get an answer out of you or go to  
21 court and get the Court to order you to answer the  
22 question.

23 A I will say one half a pack.

24 Q In what period? A half a pack a what?

25 A You give me an hour to an hour and I will

1 tell you.

2 Q One full day, 24-hour period?

3 A 24 hours?

4 Q Yes, sir.

5 A What day of the month?

6 Q On an average. I am not talking about a  
7 particular time.

8 A A month or a year?

9 Q The average over ---

10 A (Interrupting) An average all my life -  
11 from 11 to 59?

12 Q No, sir. That's a good point. Let me ask  
13 you: Right now on the average over a month, how many  
14 cigarettes do you smoke in a day on an average?

15 MR. ALLEN: Objection.

16 Irrelevant, immaterial ---

17 A (Interrupting) I would say four a day.

18 Q Now, the same thing in the 1980 period, in  
19 the period when you were working with Sam Allgood?

20 MR. ALLEN: Same objection.

21 Q Is it the same number or a different  
22 number? An average over a given month in a day, how  
23 many would you smoke?

24 A No, I smoked more than that.

25 Q Sir, about how much a day?

1 A About six.

2 Q Okay. All right, sir. That's your answer -  
3 six?

4 A About six. I didn't say six.

5 Q No, sir, you didn't. I stand corrected,  
6 Mr. Zamora - about six. All right.

7 Now, do you believe that your smoking makes  
8 you any more likely than the average to suffer  
9 emphysema?

10 MR. ALLEN: Objection ---

11 A (Interrupting) No.

12 Q Chronic bronchitis?

13 MR. ALLEN: Let me get my  
14 objection in. Wait a minute, Doug.  
15 Let me see. Are the rules the same  
16 for both of us?

17 Let me get my objection on the  
18 record.

19 Objection. His beliefs  
20 concerning cigarette smoking and his  
21 history of cigarette smoking is  
22 irrelevant and immaterial.

23 Q Do you believe that smoking makes you, as  
24 compared to a nonsmoker, more likely to suffer  
25 chronic bronchitis?

1 MR. ALLEN: Same objection.

2 A No.

3 Q Same question as to voice box cancer?

4 A No.

5 Q Same question as to premature death?

6 A No.

7 Q Have you seen any ads as to the Philip  
8 Morris outdoor - what's it called - get the gear, go  
9 outdoors? Have you seen that?

10 MR. WALLACE: It is called the  
11 Adventure Theme.

12 Q Adventure Theme. Yes. Have you seen that.

13 A No.

14 Q Have you ever seen or heard of Joe Camel or  
15 Old Joe for Camel cigarettes?

16 A No.

17 Q I think you went over this; but Sam  
18 Allgood, in your opinion, was a very good and capable  
19 and efficient worker at the lab?

20 MR. ALLEN: Objection. Asked and  
21 answered ---

22 A (Interrupting) No, I didn't say "very." I  
23 said he was a good worker. If he wasn't, he would  
24 have been fired. That's a good standard of  
25 measurement there, isn't it?

1 Q Are you saying that because of the man you  
2 called Homer Wheeler incident?

3 MR. WALLACE: Stevens.

4 Q Homer Stevens incident. Is that what you  
5 are referring to?

6 MR. ALLEN: Asked and answered.

7 A No. You said "he was a very good man."

8 Q Worker we are on. I said he was ---

9 A (Interrupting) He was a good worker. He  
10 was a good man. I didn't say "very good man."

11 Q Was Sam Allgood a very good worker, an  
12 efficient and capable worker?

13 MR. ALLEN: Asked and answered.

14 A Yes.

15 MR. ALLEN: Harrassing,  
16 lengthening of the deposition  
17 unnecessarily.

18 Q I am not sure I got this, Mr. Zamora. When  
19 Sam Allgood or you smoked while you were at work at  
20 Amoco, whenever you did, you were smoking in either  
21 the lab or Mr. Crainer's office; that is somewhere --  
22 I am sorry. You are smoking in either the kitchen or  
23 the dining room or whatever it is called ---

24 A (Interrupting) Lunchroom.

25 Q Or Mr. Crainer's office where it was

1 permitted, right?

2 A It wasn't in his office. It was in the  
3 foreman's office.

4 Q Those are the only places that you and Sam  
5 smoked when you smoked when you were on company time?

6 A At work?

7 Q Yes, sir, at work.

8 A No, no. He also smoked when he went on  
9 runs.

10 Q All right.

11 A And sometimes he would volunteer to go on  
12 runs to the docks so he could smoke while everybody  
13 else was working.

14 Q All right. Did he tell you that's what he  
15 was doing?

16 A What?

17 Q Did he tell you ---

18 A (Interrupting) Yes, he would tell some of  
19 them. He would say, "I'll go. I'll go. I'll go."

20 And he would make fun. He would say, "Oh,  
21 I am going to get one on you."

22 Q Meaning a smoke?

23 A Meaning he is going to get an extra one in  
24 on us, the smokers.

25 Q Now, so, is it true that to your knowledge

1 Sam Allgood never lit up and smoked a cigarette in an  
2 area inside the company that it wasn't permitted in  
3 that area?

4 A Go over that again now.

5 Q To your knowledge, Sam Allgood never lit up  
6 and smoked a cigarette in an area in the company in  
7 which it wasn't permitted. Is that true?

8 A In an area that wasn't permitted?

9 Q Yes.

10 A If he lit a cigarette inside the truck, you  
11 are not supposed to smoke in company trucks.

12 Q Well, let's say for the moment aside from  
13 the trucks. What I am talking about is inside the  
14 company ---

15 A (Interrupting) No.

16 Q --- where there were other people?

17 A No, other than the lunchroom and the  
18 foreman's office, no, I never saw him smoke anywhere  
19 else.

20 Q And in those two areas it was permitted to  
21 smoke by the company, right, in the lunchroom and the  
22 foreman's office?

23 A It wasn't against policy then.

24 Q Did you ever drive a company truck and  
25 smoke inside it?



1 A Sure.

2 Q Did you roll down the windows when you did  
3 that?

4 A Sure.

5 MR. ALLEN: Objection to  
6 materiality and relevancy.

7 MR. WALLACE: Doug, are you  
8 trying to be funny with all this?

9 MR. HOLFORD: I object to the  
10 sidebar.

11 MR. ALLEN: I object to you  
12 asking him if he rolled down his  
13 window when he was smoking a cigarette  
14 in a company truck as having any  
15 relevance to this case. And I  
16 guarantee you -- Quit asking silly  
17 questions like that. I object.

18 MR. HOLFORD: Mr. Allen, you go  
19 beyond propriety when you start  
20 directing to me what to do or not.

21 MR. ALLEN: I object ---

22 MR. HOLFORD: (Interrupting) Do  
23 you understand that?

24 MR. ALLEN: I object to asking  
25 the Witness did he smoke a cigarette

1 in a truck with a window down.

2 A I may have to add a correction to that  
3 answer. If it was freezing, no, I wouldn't roll it  
4 down.

5 (By Mr. Holford)

6 Q Mr. Zamora, as far as what you knew, based  
7 on what you saw, when Sam Allgood went to smoke in  
8 the truck, he would roll the windows down, too?

9 MR. ALLEN: Objection.

10 A I don't know. I wasn't in the truck with  
11 him.

12 Q All right. I was speaking of when he was  
13 pulling away from the dock or whatever.

14 A No, he wouldn't light it up -- No, he was  
15 intelligent. He wouldn't light it up until he  
16 cleared the gate.

17 Q How do you know he lit it up then?

18 A Next time -- Whenever I was on the run, you  
19 would see the butt in the ash tray or on the floor.

20 MR. HOLFORD: All right. It is  
21 12:44, Mr. Zamora; so, I am going to  
22 end it here.

23 MR. ALLEN: Go ahead and finish  
24 if you want to finish. What he is  
25 trying to do, Mr. Zamora, is say he

1                   didn't have the opportunity to finish  
2                   so he claims he has the right to come  
3                   back.

4                   If you can finish this deposition -  
5                   let him finish, it would be better so  
6                   he can't come back and do all this  
7                   silliness again.

8                   MR. HOLFORD: Different words. I  
9                   am finished, Mr. Zamora.

10                  MR. ALLEN: You are passing the  
11                  Witness?

12                  MS. WARE: You are passing the  
13                  Witness?

14                  MR. HOLFORD: Yes, I pass the  
15                  Witness.

16                  Do you have some questions?

17                  MR. WATERBURY: Reserve all  
18                  questions until the time of trial.

19                  MS. WARE: Mr. Zamora, I'm sorry  
20                  that I have to be the one to apologize  
21                  to you because since Mr. Holford was  
22                  so quick to point out that Mr. Wallace  
23                  was asking questions for 45 minutes, I  
24                  want the record to reflect that  
25                  Mr. Holford was asking questions for

1                   an hour. The problem is that all of  
2                   us have a right to ask you questions  
3                   and now I have to be the one that  
4                   keeps you beyond your appointment. I  
5                   have very few questions ---

6                   THE WITNESS: (Interrupting)  
7                   That's fine. As long as they make  
8                   sense, you are fine.

9                   MS. WARE: They are short, and I  
10                  promise you they will make as much  
11                  sense as possible.

12  
13       EXAMINATION BY MS. WARE:

14       Q           I am Laura Ware, and I represent  
15       R. J. Reynolds Tobacco Company. I was introduced to  
16       you when we walked in. We have not met before today,  
17       have we?

18       A           No.

19       Q           You mentioned that there was some conflict  
20       between smokers and nonsmokers at Amoco.

21       A           Yes.

22       Q           Do you remember any conversations that you  
23       had directly with Sam Allgood about those conflicts?

24       A           No, not specifically. It was just an  
25       everyday thing. Every time we would go to smoke, I

1 mean, we had opposition and there was going to be  
2 something said; and I mean, it was an everyday thing.

3 Q Sure.

4 A How can you remember a conversation that  
5 happened 600 times, you know? It was an everyday  
6 thing.

7 MR. HOLFORD: Objection.

8 Nonresponsive after the initial answer  
9 "no."

10 MR. WALLACE: Let's take a quick  
11 break.

12  
13 (AT THIS TIME A BRIEF RECESS WAS  
14 TAKEN, AND THE PROCEEDINGS THEREAFTER  
15 RESUMED AS FOLLOWS:)

16  
17 MS. WARE: Mr. Zamora, I just  
18 have one more question and then I will  
19 reserve the rest of my questions until  
20 trial and let you get on to your  
21 appointment.

22 (By Ms. Ware)

23 Q Do you remember having any conversations  
24 with Mr. Allgood when Amoco decided to put  
25 restrictions upon smoking?

1 MR. HOLFORD: Objection. I'm  
2 sorry, Mr. Zamora.

3 Objection. Counsel testifying.

4 Q I'm sorry. I thought you had testified  
5 earlier that Amoco had put some restrictions upon  
6 smoking in the late Seventies or early Eighties; is  
7 that correct?

8 MR. HOLFORD: Objection.

9 Leading.

10 A Yes, they did. They put up nonsmoking  
11 signs and they specified some smoking areas and I,  
12 amongst all the other smokers involved, we were all  
13 angry. And Sam was also one of them.

14 Q You don't remember anything more specific  
15 than just that you were angry about it?

16 A Yes. Do you want to hear the exact words?

17 Q Sure, go ahead.

18 A He said, "These mother fuckers are fucking  
19 with my rights."

20 And he wasn't the only one that said those  
21 words. There were about four or five, including some  
22 women that also made the same statements and used  
23 exactly the same words I just said.

24 MS. WARE: We will reserve the  
25 rest of our questions until trial. I

1 will pass the Witness.

2 Thank you, Mr. Zamora.

3 MR. HOLFORD: Okay. It is 12:48,

4 Mr. Zamora.

5 MR. ALLEN: Thank you very much.

6

7 (WHEREUPON, THE DEPOSITION WAS CONCLUDED.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 THE STATE OF TEXAS:

2 COUNTY OF HARRIS:

3 I, LANIE SMITH, a Certified Shorthand  
4 Reporter, hereby certify that the foregoing testimony  
5 was given by me after the Witness had been first duly  
6 sworn.

7 I further certify that this deposition was  
8 typed under my direction and is a complete and  
9 correct transcript of the proceedings; and that it is  
10 being filed with the Court in accordance with the  
11 Stipulation of Counsel contained in this deposition.

12 I further certify that I am neither  
13 attorney for, related to, nor employed by any of the  
14 parties to the lawsuit in which this deposition was  
15 taken. Further, I am neither related to nor employed  
16 by any attorney of record in this cause; nor do I  
17 have a financial interest in the matter.

18 GIVEN UNDER MY HAND AND SEAL OF OFFICE this  
19 13th day of August, 1993.

20   
21 \_\_\_\_\_  
22 LANIE SMITH, CSR, RPR

23	Certification No.:	4110
24	Expiration Date:	12-31-93
25	Business Address:	Charlotte Smith Reporting, Inc. 3730 Kirby Drive, Suite 909 Houston, Texas 77098
	Telephone:	(713) 523-5400



1 THE STATE OF TEXAS \*

2 COUNTY OF Galveston \*

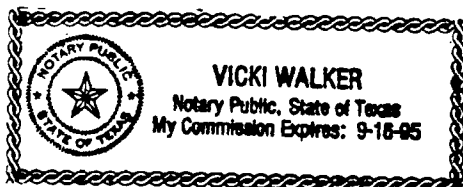
3  
4 I, YNOCENCIO ZAMORA, hereby certify that I  
5 have read the foregoing transcript of my testimony  
6 given on August 13, 1992, in the foregoing numbered  
7 and styled cause, and that same is true and correct  
8 to the best of my knowledge and belief.  
9

10 I further certify that any and all  
11 corrections have been made on a separate page and  
12 initialed by me.  
13

14 This 30<sup>th</sup> day of August, <sup>1993</sup>~~1992~~.  
15  
16

17 Ynocencio Zamora  
18 YNOCENCIO ZAMORA

19 SWORN TO AND SUBSCRIBED BEFORE ME this  
20 30<sup>th</sup> day of August, <sup>1993</sup>~~1992~~.  
21



Vicki Walker  
NOTARY PUBLIC

My Commission Expires: 9-16-95

ERRATA SHEET

DEPOSITION OF: Ygnocencis Zamora

PAGE: 35

LINE: 12

READS: - with a rolling doughnut?

SHOULD READ: at a rolling doughnut

REASON FOR CHANGE: wrong word

PAGE: 46

LINE: 24

READS: I want to live with my conscious.

SHOULD READ: I want to live with my conscience

REASON FOR CHANGE: wrong word

PAGE: 50

LINE: 24-25

READS: but I cant run as long duration periods.

SHOULD READ: but I cant run for long duration periods.

REASON FOR CHANGE: wrong word

PAGE: 65

LINE: 20-21

READS: No. My wife and I have nine college graduates.

SHOULD READ: No. My wife and I have nine college educated.

REASON FOR CHANGE: Used wrong word.

ERRATA SHEET

DEPOSITION OF: Ynocencio Zamora

PAGE: 67

LINE: 15-16

READS: There were a lot of interrelationship with people problems.

SHOULD READ: There were a lot of interrelationships with people problems.

REASON FOR CHANGE: misspelling of interrelationships

PAGE:

LINE:

READS:

SHOULD READ:

REASON FOR CHANGE:

PAGE:

LINE:

READS:

SHOULD READ:

REASON FOR CHANGE:

PAGE:

LINE:

READS:

SHOULD READ:

REASON FOR CHANGE: